

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: SHIRLEY DOUGLAS**

**CHAPTER 13 PROCEEDING**

**CASE NO. 09-13893**

**TERRE M. VARDAMAN, TRUSTEE FOR  
THE ESTATE OF SHIRLEY ANN DOUGLAS**

**PLAINTIFF**

**VS.**

**ADVERSARY NO. 10-01187-DWH**

**RICHARD B. SCHWARTZ, SCHWARTZ &  
ASSOCIATES, P.A., and VANN F. LEONARD  
AND JOHN DOES**

**DEFENDANTS**

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**JOINT MOTION FOR PARTIAL SUMMARY JUDGMENT ON  
BEHALF OF DEBTOR SHIRLEY DOUGLAS AND THE TRUSTEE**

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The Debtor Shirley Douglas and the Trustee Terre M. Vardaman move for partial summary judgment against Richard B. Schwartz and Schwartz & Associates, P.A.

(collectively “Schwartz”) in the amount of \$500,000 for the following reasons:

1. This is a legal malpractice case. Shirley Douglas hired Schwartz to represent her in a claim for injuries sustained in a car wreck.
2. Schwartz settled the case for \$500,000 and gave the money to Van Leonard—an attorney Schwartz hired to represent Schwartz in Ms. Douglas’ bankruptcy proceeding.
3. Leonard paid Schwartz \$172,414.68 of the \$500,000 and stole the rest of the settlement.
4. Schwartz refuses to pay a penny to Ms. Douglas or her bankruptcy estate.
5. Schwartz is liable for \$500,000 based on Mississippi law.
6. Therefore, the Court should enter summary judgment in Plaintiffs’ favor in the amount of \$500,000 and set the Plaintiffs’ remaining claims for trial.

7. In support of this motion, Plaintiffs rely on the attached Exhibit “1”, which is the Affidavit of Shirley Douglas and their supporting Memorandum of Authorities.

**WHEREFORE**, Plaintiffs demands partial summary judgment against Richard Schwartz and Schwartz & Associates, P.A. in the amount of \$500,000.

This the 14<sup>th</sup> day of January, 2011.

Respectfully Submitted,

SHIRLEY DOUGLAS and TERRE  
M. VARDAMAN

By Their Attorneys,

/s/ Philip W. Thomas  
PHILIP W. THOMAS  
MS Bar No. 9667

/s/ Selene Maddox  
SELENE MADDOX  
MS Bar No. 1815

PHILIP W. THOMAS, P.A.  
747 North Congress Street  
Jackson, MS 39202  
Post Office Box 24464  
Jackson, MS 39225-4464  
Tel: (601) 714-5660  
Fax: (601) 714-5659

MADDOX LAW OFFICE  
362 N. Broadway Street  
Tupelo, MS 38804-3926

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**CERTIFICATE OF SERVICE**

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I certify that I electronically filed the foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to counsel who have electronically registered the non-ECF participants.

Terre M. Vardaman, Esquire  
Chapter 13 Case Trustee  
Post Office Box 1326  
Brandon, Mississippi 39043  
[missatty@bellsouth.net](mailto:missatty@bellsouth.net)

Paula E. Drungole, Esquire  
Debtor's Bankruptcy Counsel  
Post Office Box 186  
Starkville, Mississippi 39760  
[drungolelawfirm@bellsouth.net](mailto:drungolelawfirm@bellsouth.net)

Office of the United States Trustee  
100 West Capitol Street, Suite 706  
Jackson, Mississippi 39269  
[USTRRegions05.AB.ECF@usdoj.gov](mailto:USTRRegions05.AB.ECF@usdoj.gov)

Selene D. Maddox  
Maddox Law Office  
362 N. Broadway Street  
Tupelo, Mississippi 38804-3926  
[sdmaddox63@gmail.com](mailto:sdmaddox63@gmail.com)

R. Adam Kirk  
Gore, Kilpatrick & Dambrino, PLLC  
135 First Street (38901)  
Post Office Box 901  
Grenada, Mississippi 38902-0901  
[akirk@gorekilpatrick.com](mailto:akirk@gorekilpatrick.com)

Richard C. Bradley, III  
J. Wyatt Hazard  
Daniel, Coker, Horton & Bell, P. A.  
Post Office Box 1084  
Jackson, Mississippi 39215-1084  
[rbradley@danielcoker.com](mailto:rbradley@danielcoker.com)  
[whazard@danielcoker.com](mailto:whazard@danielcoker.com)

Joseph Anthony Sclafani  
BRUNINI, GRANTHAM, GROWER & HEWES, PLLC  
Post Office box 119  
Jackson, Mississippi 39205-0119  
[jsclafani@brunini.com](mailto:jsclafani@brunini.com)

Joe M. Hollomon  
Post Office Box 22683  
Jackson, Mississippi 39225-2683  
[jhollomon@att.net](mailto:jhollomon@att.net)

This the 14<sup>th</sup> of January, 2011.

/s/ Philip W. Thomas  
PHILIP W. THOMAS